

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MAY 17, 2023
OPEN SESSION

MINUTES OF MAY 17, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER CRAIG GREENE, COMMISSIONER DAVANTE LEWIS AND EXECUTIVE SECRETARY BRANDON FREY.

Open Session of May 17, 2023, convening at 9:21 a.m., and adjourning at 12:38 p.m., at the Galvez Building, 602 North 5th Street, Baton Rouge, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present.

Ex. 1	Executive Counsel Kathryn Bowman announced the June Business & Executive Session will be held Wednesday, June 7, 2023 at the Higgins Hotel in New Orleans to coincide with the SEARUC meeting.
Ex. 2	<p>T-36527 - Louisiana Public Service Commission vs. Elite Service Recovery & Towing LLC. In re: Alleged violation of General Order dated February 17, 2022 while operating under LPSC authority 6397, for exceeding state prescribed rates, allegedly having occurred on or about February 24, 2022 pursuant to La. R.S. 45:161 through 180.1.</p> <p>In re: Discussion and possible vote on Recommendation of the Administrative Law Judge.</p> <p>Commissioner Skrmetta made the following motion: In accordance with Rule 43, of the practices and procedures, I ask that the matter be remanded back to the Administrative Law Judge for further testimony and review. Neither the driver of the carrier nor the state trooper involved in the crash testified at the hearing. Also, there was only limited testimony concerning the requirements to follow Louisiana Department of Environmental Quality practices at the crash site. This was an overturned 18-wheeler with substantial leaking of fuel onto the roadway and onto the shoulder. A third-party environmental clean-up company, (albeit related) which is not regulated by the PSC, billed the tow company and the tow company placed that bill on its invoice. There is a specific conflict between the directions given to the tow company for removal of all debris from the crash, except medical waste. The PSC order is unclear as to what the accurate definition of the debris. The rule requires clarification.</p> <p>Further, Staff shall review the Commission’s Towing rules and revise as appropriate to address this issue.</p> <p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Campbell concurring, and Vice Chairman Francis and Commissioner Lewis objecting, the Commission voted to remand the case back to the Administrative Law Judge for further testimony and review. The motion passed 3:2.</p> <p>Present for Questions/Comments: Dan Rhoades, Sindle Trucking Larry Bankston, Representative for Elite Service Recovery & Towing</p>

<p>Ex. 3</p>	<p>T-36679 - Louisiana Public Service Commission vs. Grade-A Movers LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated March 16, 2021 and for failure to comply with the requirements of General Order dated April 3, 2008 as amended.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted accept the Affidavit and Stipulation executed on April 28, 2023.</p>
<p>Ex. 4</p>	<p>U-36019 - Louisiana Public Service Commission, ex parte. In re: Audit of Energy Efficiency Rate Rider of Entergy Louisiana, LLC for the Energy Efficiency Quick Start Program Years Ending December 31, 2019 and December 31, 2020.</p> <p>In re: Discussion and possible vote to accept Joint Report.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the Joint Report and Draft Order filed into the record on May 5, 2023.</p>
<p>Ex. 5</p>	<p>U-36540 - Parish Water Company, Inc., ex parte. In re: Application for adjustment in retail rates and request for: (1) interim rates; (2) establishment of a regulatory asset; (3) establishment of an emergency reserve fund; and (4) implementation of Formula Rate Plan.</p> <p>In re: Discussion and possible vote to accept Uncontested Stipulated Settlement.</p> <p>After discussion, on motion of Commissioner Greene, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record on April 19, 2023.</p>
<p>Ex. 6</p>	<p>U-36660 - 1803 Electric Cooperative, Inc., ex parte. In re: Formula Rate Plan Annual Report based upon the test year ending December 31, 2022.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>Ex. 9 on April 26, 2023 B&E agenda.</p> <p>PULLED</p>

<p>Ex. 7</p>	<p>U-36385 - Southwestern Electric Power Company, ex parte. In re: Application for certification of certain renewable resources and approval of natural gas Capacity Purchase Agreements.</p> <p>In re: Discussion and possible vote on Motion for Rehearing.</p> <p>Ex. 6 on April 26, 2023 B&E agenda.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to grant the Motion for Rehearing filed on May 5, 2023.</p> <p>Commissioner Campbell made the following motion: I move that the Commission approve the Uncontested Stipulated Settlement Term Sheet dated March 10, 2023, subject to the following modifications and conditions:</p> <ol style="list-style-type: none"> 1) I approve SWEPCO’s Acquisition of the short-term Natural Gas Capacity PPAs. 2) Further, move the consideration of the Selected Solar Facility and Wind Facility to either the June B&E meeting, or at a Special Meeting to be called in July, if needed. 3) SWEPCO will consider qualified unsolicited offers for PPAs to compare to the Selected Solar Facility and Wind Facility at either the June B&E meeting, if available, or at a July Special Meeting to be called if needed. 4) The Cost Cap and Minimum Production Guarantee provisions will be modified if necessary depending upon the selection in paragraph 3. <p>After discussion, on motion of Chairman Campbell, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to accept the Uncontested Stipulated Settlement filed into the record of March 10, 2023, with the modifications listed above.</p> <p>Present for Questions/Comments: Bobby Gilliam, Counsel for SWEPCO Thomas Brice, CFO of SWEPCO</p>
<p>Ex. 8</p>	<p>U-35762 - Entergy Louisiana, LLC, ex parte. In re: Application for Approval of Ratemaking Adjustment for Interim Hurricane Laura Financing.</p> <p>U-36154 - Entergy Louisiana, LLC, ex parte. In re: Application for Approval of Ratemaking Adjustment for Interim Hurricane Ida Financing and Request for Expedited Treatment.</p> <p>U-36350 - Entergy Louisiana, LLC, ex parte. In re: Application for recovery in rates of costs related to Hurricane Ida and related relief.</p> <p>In re: Discussion and possible vote on Unopposed Joint Motion for Expedited Approval of Ratemaking Adjustment for Shorter-Term Debt pursuant to Rule 57.</p> <p>On motion of Commissioner Lewis, seconded by Chairman Campbell, and unanimously adopted, the Commission voted to assert its original and primary jurisdiction and take the matter up pursuant to Rule 57.</p>

	<p>After discussion, on motion of Commissioner Skrmetta, seconded by Commissioner Greene, and unanimously adopted, the Commission voted to grant the Joint Motion filed into the record on March 3, 2023.</p> <p>Present for Questions/Comments: Logan Burke, The Alliance for Affordable Energy Erin Hanson, Together LA Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Phillip May, CEO of Entergy Randy Young, Counsel for LEUG</p>
Ex. 9	<p>X-36718 - Louisiana Public Service Commission, ex parte. In re: Audit of Federal Environmental Adjustment Clause Filings of Cleco Power LLC for the Period of January 2020 - December 2022.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company for \$44,500 in fees and \$500 in expenses for a total budget not to exceed \$45,000.</p>
Ex. 10	<p>X-36719 - Louisiana Public Service Commission, ex parte. In re: Audit of Federal Environmental Adjustment Clause Filings of Entergy Louisiana, LLC for the Period of January 2020 - December 2022.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain London Economics, International for \$35,905 in fees and \$4,260 in expenses for a total budget not to exceed \$40,165.</p>
Ex. 11	<p>X-36720 - Louisiana Public Service Commission, ex parte. In re: Audit of Federal Environmental Adjustment Clause Filings of Southwestern Electric Power Company for the Period of January 2020 - December 2022.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>On motion of Commissioner Greene, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to retain United Professionals Company for \$44,500 in fees and \$500 in expenses for a total budget not to exceed \$45,000.</p>
Ex. 12	<p>Docket TBD - Entergy Louisiana, LLC, ex parte. In re: Upcoming request for Formula Rate Plan extension and/or request for rate increase.</p> <p>In re: Discussion and possible vote to retain outside consultant.</p> <p>DEFERRED</p>

<p>Ex. 13</p>	<p>Docket TBD - Entergy Louisiana, LLC, ex parte. In re: Upcoming request for Formula Rate Plan extension and/or request for rate increase.</p> <p>In re: Discussion and possible vote to retain outside counsel.</p> <p>DEFERRED</p>
<p>Ex. 14</p>	<p>1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS/SPP</p> <p>- Discussion and possible vote to ratify interventions of the Commission in RTO, ERSC, or other Federal Energy Regulatory proceedings.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Vice Chairman Francis concurring, Commissioner Lewis objecting, and Chairman Campbell temporarily absent, the Commission voted to approve the filing of an amicus brief in 5th Circuit Court of Appeals Case No. 23-60069, State of Texas v. EPA.</p> <p>Present for Questions/Comments: Daria Diaz, Special Counsel, Stone Pigman</p> <p>- Discussion and possible vote to ratify votes taken by Vice Chairman Francis acting as the Commission's representative on the Regional State Committee of the Southwest Power Pool.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Greene, with Chairman Campbell and Commissioner Lewis concurring, and Vice Chairman Francis abstaining, the Commission voted to ratify Vice Chairman Francis' votes taken on April 24, 2023.</p> <p>5) Directives</p> <p>- Directive to Staff on increasing O&M expenses for Common Carriers.</p> <p>At the request of Commissioner Skrmetta.</p> <p>Due to the rising costs on standard O&M expenses for regulated motor carriers, I direct Staff to open a docket, or expand an appropriate existing docket, to consider an efficient way to address such rising costs, including potential annual increases based on the Producer Price Index.</p> <p>There was no opposition.</p>

Ex. 15

R-31106 - Louisiana Public Service Commission, ex parte. In re: Rulemaking to study the possible development of financial incentives for the promotion of energy efficiency by jurisdictional electric and gas utilities.

In re: Directive to Staff to publish proposed Phase II Rules in Docket No. R-31106.

At the request of Commissioner Skrmetta.

As mentioned at last month's B&E, I have been working on a proposed pilot program that takes the success of the Commission's Public Entities Program and applies those same concepts to a residential program. I anticipate this pilot program would provide direct impacts for Louisiana citizens, improving their quality of life by providing high energy efficiency impact within a short period of time.

Given this success, I direct Staff to publish proposed Phase II Rules contemplating a pilot program for a two-year period that closely mirrors the current Public Entities Program wherein the Commission focuses its energy efficiency efforts on providing an up to maximum credit to qualified residential households to weatherize their home.

These proposed Rules should be published in the docket no later than May 26, 2023, such that we can move forward with receiving input from stakeholders, and published a final proposed rule with the goal that final rules will be considered by the Commission at the September 2023 B&E, but no later than the October 2023 B&E.

After discussion, on motion of Commissioner Skrmetta, with Vice Chairman Francis concurring, and Chairman Campbell, Commissioner Greene, and Commissioner Lewis objecting, the Commission voted not to support Commissioner Skrmetta's directive to Staff to publish proposed Phase II Rules in Docket No. R-31106.

In re: Directive to Staff to publish proposed Phase II Rules in Docket No. R-31106.

At the request of Commissioner Greene.

I direct Staff to publish a new version of the Draft Phase II Energy Efficiency rules, which contemplate the creation of a Commission-led, State-Wide EE Administrator program. This new version shall be based upon conversations Staff has had with Commissioners over the past few months. This Draft Rule should be published in the docket no later than May 26, 2023, such that we can move forward with the process for receiving input for a final draft, with the goal that a final rule will be considered by this Commission at the September 2023 B&E, but no later than October 2023.

After discussion, on motion of Commissioner Greene, with Chairman Campbell, Vice Chairman Francis, and Commissioner Lewis concurring, and Commissioner Skrmetta objecting, the Commission voted in support of Commissioner Greene's directive to Staff to publish proposed Phase II Rules in Docket No. R-31106.

Present for Questions/Comments:

Jessica Hendricks, The Alliance of Affordable Energy

Erin Hanson, Together LA

Reverend Jim VanderWeele, Together LA

Ex. 16	<p>FERC Docket No. EL18-152 - LPSC v. SERI and Entergy Services, Inc.</p> <p>FERC Docket No. EL20-72 - LPSC, APSC, CNO, and MPSC v. SERI, and Entergy Services, LLC.</p> <p>FERC Docket No. EL21-56 - LPSC, APSC, and CNO vs. SERI, Entergy Services, LLC, Entergy Operations, Inc. and Entergy Corporation.</p> <p>In re: Possible Executive Session to discuss litigation strategy pursuant to La. R.S. 42:16, et seq.</p> <p>At the request of Vice Chairman Francis.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Lewis, with Chairman Campbell and Vice Chairman Francis concurring, and Commissioner Greene absent, the Commission voted to enter into Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Chairman Campbell, with Commissioner Lewis concurring and Vice Chairman Francis and Commissioner Greene absent, the Commission voted to exit Executive Session.</p>
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On motion of Chairman Campbell, seconded by Commissioner Skrmetta, with Commissioner Lewis concurring, and Vice Chairman Francis and Commissioner Greene absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Wednesday, June 7, 2023 at 10:00 a.m. at the Higgins Hotel in New Orleans, Louisiana.